HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 1412 of 2007

DATED: 25-01-2007

Between:

K.Srinivasula Reddy

…Petitioner

and

The Revenue Divisional Officer,
Cuddapah and another.

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 1412 of 2007

ORAL ORDER:

The petitioner was authorized to be the Fair Price Shop dealer of Malapadu Village, Yervaguntla Mandal, Cuddapah District by the proceedings of the 1st respondent dated 6-2-2006 for a period of 3 months. The tenure is stated to have been extended for a further period of 6 months from May, 2006 to October, 2006 and again for a period of 3 months from November, 2006 to January, 2007. During the currency of the extended period (upto January, 2007), by the impugned proceedings dated 27-12-2006 the 1st respondent has cancelled the temporary dealership of the petitioner on the ground that the 2nd respondent, on enquiry with the villagers, had reported that the petitioner is indulging in several specified irregularities. Since the irregularities are grave in nature, the 1st respondent passed the impugned order which is as follows:

> "…Therefore, the temporary dealership of Sri K.Sreenivasulu Reddy, Malepadu (V), Yerraguntla Mandal is herebty cancelled pending enquiry and the F.P shop dealer will be given opportunity by way of Show Cause notice to offer his explanation and the final orders will be passed on this issue at the earliest."

The learned Government Pleader concedes that the order is perverse. Even though the petitioner is a temporary dealer, such dealership cannot be cancelled for misconduct, without following at least the minimum processes of fair procedure. The

1st respondent has indulged in a unique exercise of canceling the dealership pending enquiry. It is always open to the 1st respondent, as the competent authority, to suspend the authorization for misconduct. But to cancel the dealership, even temporary, on the ground of misconduct and pending enquiry is not sustainable.

For the aforesaid reasons, the order of the 1st respondent dated 27-12-2006 is quashed. It is however, open to the 1st respondent to take appropriate administrative or disciplinary measures to deal with the alleged misconduct of the petitioner including the suspension of the authorization.

The writ petition is accordingly allowed. No order as to costs.

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GODA RAGHURAM, J

25-01-2007
GRR